

2003 DRAFTING REQUEST**Bill**Received: **01/13/2003**Received By: **mglass**Wanted: **As time permits**

Identical to LRB:

For: **Sheryl Albers (608) 266-8531**By/Representing: **Scott Southworth**This file may be shown to any legislator: **NO**Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - LWSR stewardship**

Extra Copies:

Submit via email: **NO****Pre Topic:**

No specific pre topic given

Topic:

Requirements for acquisitions under stewardship program

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass 03/18/2003						S&L
/P1	jkreye 03/18/2003	wjackson 03/20/2003	rschluet 03/20/2003		lemery 03/20/2003		S&L
/1	mglass 03/27/2003	wjackson 03/28/2003	rschluet 03/28/2003		sbasford 03/28/2003	sbasford 03/28/2003 sbasford 03/28/2003	

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03-31-2003

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Requested
By Ryan

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3-29-3

For
Assembly
per Ryan
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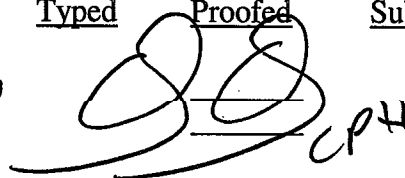
Instructions:

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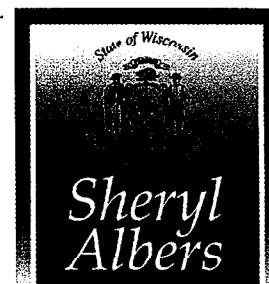
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FE Sent For:



To: LRB – Drafting
From: Representative Sheryl K. Albers

Date: February 4, 2003
Subject: Stewardship

Please reference my previous request for drafting of a bill containing comprehensive changes to the Stewardship program (dated 10 January 2003). Enclosed with that request was a composite of all of the statutory changes prepared by my staff attorney, Scott Harold Southworth. Since I sent that drafting request over, I have decided to add an additional change relating to the amount of land held in public ownership. Specifically, I want to forbid the purchase of land within the Stewardship program in any county where 50% or more of the land is already owned by some level of government.

Scott identified §23.0917 (8) (d) as the relevant statute to amend in order to achieve my intent. He then modified the composite of statutory changes to reflect how the subdivision would look once amended (see page 10 of the composite). Attached please find a reprint of the entire composite of changes, which reflects the amendment to (8) (d). No other substantive changes were made.


Thank you for your work on this legislation.

Stewardship

Omnibus Reform Legislation – Composite of Statutory Changes

**Attorney Scott Harold Southworth
Chief of Staff / Policy Analyst
Office of State Representative Sheryl K. Albers
October 2002 / February 2003**

NOTE 1: The following represents the way the Stewardship provisions in the statute would read with comprehensive legislation making the changes highlighted below. Since the changes vary to great degree, this composite has been created to put the recommended changes into context.

NOTE 2:  = current statute amended
= new statute created
= statute renumbered

NOTE 3: Where a statute section is deleted completely, or where a section is highlighted to indicate a renumbering, a note is made in brackets above the change for clarification.

23.0917 Warren Knowles–Gaylord Nelson stewardship 2000 program. (1)
DEFINITIONS. In this section:

(a) “Annual bonding authority” means the amount that may be obligated under a subprogram for a fiscal year.

(am) “Available bonding authority” means the annual bonding authority as it may be adjusted under sub. (4g) (b), (4m) (k), (5) or (5m).

(b) “Baraboo Hills” means the area that is within the boundaries of the Baraboo Range National Natural Landmark.

(c) “Department land” means an area of land that is owned by the state, that is under the jurisdiction of the department and that is used for one of the purposes specified in s. 23.09 (2) (d).

(d) “Land” means land in fee simple, conservation easements, other easements in land and development rights in land, and includes any buildings, facilities, and other structures located on the land.

(dm) “Nonprofit conservation organization” has the meaning given in s. 23.0955 (1).

(e) “Obligate” means to encumber or otherwise commit or to expend without having previously encumbered or otherwise committed.

(f) "Owner's acquisition price" means the amount equal to the price the owner paid for the land or if the owner acquired the land as a gift or devise, the amount equal to the appraised value of the land at the time it was transferred to the owner.

(g) "Remaining bonding authority" means the amount of moneys that has not been obligated.

(i) "Total bonding authority" means the total amount that may be obligated under a subprogram under the Warren Knowles-Gaylord Nelson stewardship 2000 program over the entire duration of the program.

(2) ESTABLISHMENT.

(a) The department shall establish the following subprograms under the Warren Knowles-Gaylord Nelson stewardship 2000 program:

1. A subprogram for land acquisition for conservation and recreational purposes.
2. A subprogram for property development and local assistance.
3. A subprogram for bluff protection.
4. A subprogram for land acquisition in the Baraboo Hills for conservation purposes.

(b) Except as provided in sub. (5m), no moneys may be obligated from the appropriation under s. 20.866 (2) (ta) before July 1, 2000.

(3) LAND ACQUISITION SUBPROGRAM.

(a) Beginning with fiscal year 2000-01 and ending with fiscal year 2009-10, the department may obligate moneys under the subprogram for land acquisition to acquire land for the purposes specified in s. 23.09 (2) (d) and grants for these purposes under s. 23.096, except as provided under ss. 23.197 (2m), (3m) (b), (7m), and (8) and 23.198 (1) (a).

(b) In obligating moneys under the subprogram for land acquisition, the department shall set aside in each fiscal year \$3,000,000 that may be obligated only for state trails and the ice age trail and for grants for the state trails and the ice age trails under s. 23.096. The period of time during which the moneys shall be set aside in each fiscal year shall begin on the July 1 of the fiscal year and end on the June 30 of the same fiscal year.

(bm) During the period beginning with fiscal year 2001-02 and ending with fiscal year 2009-10, in obligating money under the subprogram for land acquisition, the department shall set aside not less than a total of \$ 2,000,000 that may be obligated only to provide matching funds for grants awarded to the department for the purchase of land or easements under 16 USC 2103c.

(c) In obligating moneys under the subprogram for land acquisition, the department shall give priority to all of the following purposes and to awarding grants under s. 23.096 for all the following purposes:

1. Acquisition of land that preserves or enhances the state's water resources, including land in and for the Lower Wisconsin State Riverway; land abutting wild rivers designated under s. 30.26, wild lakes and land along the shores of the Great Lakes.

2. Acquisition of land for the stream bank protection program under s. 23.094.

3. Acquisition of land for habitat areas and fisheries under s. 23.092.

4. Acquisition of land for natural areas under ss. 23.27 and 23.29.

6. Acquisition of land in the middle Kettle Moraine.

(dm) Except as provided in subs. (4g) (b), (4m) (k), (5) and (5m), the department may not obligate under the subprogram for land acquisition more than the following amounts:

1. For fiscal year 2000–01, \$28,500,000.

1m. For fiscal year 2001–02, \$34,500,000.

2. For each fiscal year beginning with 2002–03 and ending with fiscal year 2009–10, \$45,000,000.

(e) For purposes of this subsection, the department by rule shall define “wild lake”.

(4) PROPERTY DEVELOPMENT AND LOCAL ASSISTANCE SUBPROGRAM.

(a) Beginning with fiscal year 2000–01 and ending with fiscal year 2009–10, the department may obligate moneys under the subprogram for property development and local assistance. Moneys obligated under this subprogram may be only used for nature-based outdoor recreation, except as provided under par. (cm).

(b) The purposes for which moneys may be obligated for local assistance under the subprogram for property development and local assistance are the following:

1. Grants for urban green space under ss. 23.09 (19) and 23.096.

2. Grants for local parks under ss. 23.09 (20) and 23.096.

3. Grants for acquisition of property development rights under ss. 23.09 (20m) and 23.096.

4. Grants for urban rivers under ss. 23.096 and 30.277.

(c) The purposes for which moneys may be obligated for property development under the subprogram for property development and local assistance are the following:

1. Property development of department lands.

2. Property development on conservation easements adjacent to department lands.

3. Grants under s. 23.098.

(cm) Notwithstanding the purposes for which the department is authorized to obligate moneys under pars. (a), (b), and (c), the department may obligate moneys under the subprogram for property development and local assistance for any of the following purposes:

1. Construction of the Wisconsin agricultural stewardship initiative facility under s. 23.197 (7m).

1m. Construction of a visitor center and administration building at the Kickapoo valley reserve under s. 23.197 (2m).

2. Projects approved by the state fair park board under s. 23.197 (8).

3. Reconstruction of the chalet at Rib Mountain State Park under s. 23.197 (3m) (b).

6. Restoration of an area on the exposed bed of the former flowage on the Prairie River.

(d) In obligating moneys under the subprogram for property development and local assistance, all of the following shall apply:

1. The department may obligate not more than \$11,500,000 in fiscal year 2000-01 and not more than \$11,500,000 in fiscal year 2001-02 under the subprogram except as provided in sub. (5). For each fiscal year beginning with 2002-03 and ending with fiscal year 2009-10, the department may obligate not more than \$15,000,000 under the subprogram except as provided in sub. (5).

2. The department may obligate not more than \$8,000,000 in each fiscal year for local assistance.

3. The department shall obligate at least \$3,500,000 in each fiscal year for property development.

(f) For purposes of this subsection, the department by rule shall define "nature-based outdoor recreation".

(4g) BLUFF PROTECTION.

(a) The department may not obligate more than \$1,000,000 under the subprogram for bluff protection.

(b) If the total amount obligated for the subprogram for bluff protection on June 30, 2004, is less than \$1,000,000, the department shall calculate the unobligated amount by subtracting the total obligated amount from \$1,000,000. The department shall then adjust the available bonding authority for the subprogram for land acquisition by increasing the available bonding authority in an amount equal to the unobligated amount.

(c) The department may not obligate moneys for the subprogram for bluff protection after June 30, 2004.

(4m) BARABOO HILLS.

(a) *Definitions.* In this subsection:

1. "Assigned amount" means the sum of the amounts made available for expenditure under par. (g) and the amounts set aside by the department under par. (h) 1.

2. "Federal nontransportation moneys" means moneys received from the federal government that are not deposited in the transportation fund and that are not credited to the appropriations under ss. 20.115 (2) (m) and 20.445 (1) (ox).

3. "Local governmental unit" means a city, village, town, county, lake sanitary district, as defined in s. 30.50 (4q), or a public inland lake protection and rehabilitation district.

(b) *Matching funding.* The department shall provide funding under the subprogram for the Baraboo Hills to match the value of land acquisitions that are certified as qualifying matching land acquisitions under par. (e).

(c) *Overall requirements.*

1. The department may obligate not more than \$5,000,000 under the subprogram for the Baraboo Hills.

2. The amount of moneys, other than federal moneys, that may be used by local governmental units or nonprofit conservation organizations to make land acquisitions that are certified as qualifying matching land acquisitions under par. (e) may not exceed \$2,500,000.

3. Land that is either certified as a qualifying matching land acquisition under par. (e) or (h) 2. or acquired with moneys made available for expenditure under par. (g) or (h) 2. may not be department land or land that is otherwise owned or under the jurisdiction of the state on October 29, 1999.

(d) *Matching land acquisitions; requirements.* The department may only certify as a qualifying matching land acquisition in the Baraboo Hills an acquisition to which all of the following apply:

1. The land is being acquired for conservation purposes.
2. The land is being acquired by the federal government, by a local governmental unit or by a nonprofit conservation organization.
3. Any federal moneys being used for the acquisition are federal nontransportation moneys.

(e) *Matching land acquisitions; certification.* The department shall certify which land acquisitions qualify as matching land acquisitions for the subprogram for the Baraboo Hills and shall determine the values of these matching land acquisitions as provided in par. (f).

(f) *Matching land acquisitions; valuation.* The value of a land acquisition that is certified as a qualifying matching land acquisition under par. (e), shall be calculated as follows:

1. For land that is acquired by purchase at fair market value, the value shall equal the sum of the purchase price and the costs incurred by the federal government, local governmental unit or nonprofit conservation organization in acquiring the land.

2. For land that is acquired by gift or bequest or by purchase at less than fair market value, the value shall equal the sum of the appraised fair market value of the land at the time of the acquisition and the costs incurred by the acquiring entity in acquiring the land. The acquiring entity shall supply the appraisal upon which the appraised fair market value is based.

(g) *Matching land acquisitions; available moneys.* For each land acquisition that is certified as a qualifying matching land acquisition under par. (e), the department shall make available for expenditure moneys in an amount that equals the value of the land acquisition, as calculated under par. (f). This paragraph does not apply to a land acquisition that is acquired with moneys committed by the federal government, local governmental unit or nonprofit conservation organization under par. (h).

(h) *Matching land acquisitions; future commitments.*

1. In addition to the moneys made available for expenditure under par. (g), the department shall set aside moneys in amounts that equal amounts that the federal government, local governmental units or nonprofit conservation organizations commit for the acquisition of land in the Baraboo Hills for conservation purposes. Federal moneys that are committed under this paragraph shall be federal nontransportation moneys. The department may set aside moneys under this paragraph only for commitments that are made before January 1, 2006.

2. For each land acquisition that is made by using moneys that are committed by the federal government, a local governmental unit or a nonprofit conservation organization under this paragraph and that is certified as a qualifying matching land acquisition under par. (e), the department shall make available for expenditure moneys in an amount that equals the value of the land acquisition, as calculated under par. (f), after the acquisition is certified.

(i) *Available moneys; uses.* The moneys made available for expenditure under par. (g) or (h) 2. may be used by the department to acquire land in the Baraboo Hills for conservation purposes and to award grants to local governmental units and nonprofit conservation organizations.

(j) *Available moneys; grant requirements.* A local governmental unit or nonprofit conservation organization that receives a grant under par. (i) does not need to provide any matching funding. Land acquired with moneys from a grant awarded under par. (i) may not be certified by the department as a qualifying matching land acquisition under par. (e). Grants awarded under par. (i) shall be used to acquire land for conservation purposes in the Baraboo Hills.

(k) *Unassigned amount.* If the assigned amount for the subprogram for the Baraboo Hills on January 1, 2006, is less than the available bonding authority, the department shall calculate the unassigned amount by subtracting the assigned amount from the available bonding authority. The department shall then adjust the annual bonding authority for the subprogram for land acquisition by increasing its annual bonding authority by an amount equal to this unassigned amount. The department shall expend any assigned amount that has not been expended before January 1, 2006, for acquisitions, by the department, of land for conservation purposes and for grants that meet the requirements under par. (j).

(L) *Highway construction required.* No moneys may be obligated for the subprogram for the Baraboo Hills before the department of transportation certifies to the department of natural resources that highway construction that will result in at least 4 traffic lanes has begun on the portion of USH 12 between the city of Middleton and the village of Sauk City.

(5) ADJUSTMENTS FOR SUBSEQUENT FISCAL YEARS.

(a) If for a given fiscal year the department obligates an amount from the moneys appropriated under s. 20.866 (2) (ta) for a subprogram under sub. (3) or (4) that is less than the annual bonding authority for that subprogram for that given fiscal year, the department shall adjust the annual bonding authority for that subprogram by raising the annual bonding authority, as it may have been previously adjusted under this paragraph and par. (b), for the next fiscal year by the amount that equals the difference between the amount authorized for that subprogram and the obligated amount for that subprogram in that given fiscal year.

(b) If for a given fiscal year the department obligates an amount from the moneys appropriated under s. 20.866 (2) (ta) for a subprogram under sub. (3) or (4) that is more than the annual bonding authority for that subprogram for that given fiscal year, the department shall adjust the annual bonding authority for that subprogram by lowering the annual bonding authority, as it may have been previously adjusted under this paragraph and par. (a), for the next fiscal year by an amount equal to the remainder

calculated by subtracting the amount authorized for that subprogram from the obligated amount, as it may be affected under par. (c) or (d), for that subprogram in that given fiscal year.

(c) The department may not obligate for a fiscal year an amount from the moneys appropriated under s. 20.866 (2) (ta) for a subprogram under sub. (3) or (4) that exceeds the amount equal to the annual bonding authority for that subprogram as it may have been previously adjusted under pars. (a) and (b), except as provided in par. (d).

(d) For a given fiscal year, in addition to obligating the amount of the annual bonding authority for a subprogram under sub. (3) or (4), or the amount equal to the annual bonding authority for that subprogram, as adjusted under pars. (a) and (b), whichever amount is applicable, the department may also obligate for that subprogram up to 100% of the annual bonding authority for that subprogram for that given fiscal year for a project or activity if the natural resources board determines that all of the following conditions apply:

1. That moneys appropriated for that subprogram to the department under s. 20.370 and the moneys appropriated for that subprogram under s. 20.866 (2) (ta), (tp) to (tw), (ty) and (tz) do not provide sufficient funding for the project or activity.
2. That any land involved in the project or activity covers a large area or the land is uniquely valuable in conserving the natural resources of the state.
3. That delaying or deferring all or part of the cost to a subsequent fiscal year is not reasonably possible.

(5m) ADJUSTMENTS FOR LAND ACQUISITIONS.

(a) Beginning in fiscal year 1999–2000, the department, subject to the approval of the governor and the joint committee on finance under sub. (6), may obligate under the subprogram for land acquisition any amount not in excess of the total bonding authority for that subprogram for the acquisition of land.

(b) For each land acquisition transaction under this subsection, all of the following apply:

1. The department shall sell a portion of the acquired land.
2. All proceeds from the sale of the land, up to the amount obligated under par. (a) as determined by the secretary of administration, shall be deposited in the general fund and credited to the appropriation account under s. 20.370 (7) (ag). Notwithstanding s. 25.29 (1) (a), the proceeds in excess of the amount obligated under par. (a) shall be deposited in the general fund.
3. For bonds that are retired from the proceeds of the sale of the acquired land within 3 years after the date on which the land was acquired by the department, the department shall adjust the available bonding authority for the subprogram for land acquisition by increasing the available bonding authority for the fiscal year in which the bonds are retired by an amount equal to the total amount of the bonds issued for the sale that have been retired in that fiscal year.
4. For bonds that are not retired from the proceeds of the sale of the acquired land within 3 years after the date on which the land was acquired by the department, the department shall adjust the available bonding authority for the subprogram for land acquisition by decreasing the available bonding authority for the next fiscal year beginning after the end of that 3-year period by an amount equal to the

total amount of the bonds that have not been retired from such proceeds in that fiscal year and, if necessary, shall decrease for each subsequent fiscal year the available bonding authority in an amount equal to that available bonding authority or equal to the amount still needed to equal the total amount of the bonds that have not been retired from such proceeds, whichever is less, until the available bonding authority has been decreased by an amount equal to the total of the bonds that have not been retired.

(c) Notwithstanding sub. (2) (a) 1., land acquired under this subsection need not be for conservation or recreational purposes.

(d) The department of administration shall monitor all transactions under this subsection to ensure compliance with federal law and to ensure that interest on the bonds is tax-exempt for the holders of the bonds.

(6) REVIEW BY JOINT COMMITTEE ON FINANCE.

(a) The department may not obligate from the appropriation under s. 20.866 (2) (ta) for a given project or activity any moneys unless it first notifies the joint committee on finance in writing of the proposal. If the cochairpersons of the committee do not notify the department within 14 working days after the date of the department's notification that the committee has scheduled a meeting to review the proposal, the department may obligate the moneys. If, within 14 working days after the date of the notification by the department, the cochairpersons of the committee notify the department that the committee has scheduled a meeting to review the proposal, the department may obligate the moneys only upon approval of the committee.

(b) Paragraph (a) applies only to an amount for a project or activity that exceeds \$250,000, except as provided in par. (c).

(c) Paragraph (a) applies to any land acquisition under sub. (5m).

(7) CALCULATION OF GRANT AMOUNTS: APPRAISALS: ASSESSMENTS

As in this subsection, [REDACTED]

Adjusted highest and best use means the hypothetical use of land that results in the highest fair market value. [REDACTED]

Highest and best use means the ordinary, lawful use of land that results in the highest fair market value, not withstanding [REDACTED]

Stewardship acquisition means the acquisition of land by moneys obligated from the appropriation under s. 20.866 (2) (ta) for acquisition of land by the department of natural resources and for acquisition of land by a governmental unit under s. 23.05 (4) (b), (20) or (20b) or 20.277 or by a municipal conservation organization under s. 23.05 [REDACTED]

Acquisition district has the meaning given in s. 20.14 (4) (c). [REDACTED]

Zoning ordinance means a town board that adopts or amends zoning ordinances under s. 60.61, 60.62, or 60.63 or a village board or town council that enacts or adopts zoning ordinances under s. 60.23 (7). [REDACTED]

(a) is renumbered (am)]

Except as provided in pars. (b) and (c), for purposes of calculating the acquisition costs for a stewardship acquisition, the acquisition costs shall equal the

*Applied
to State
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sum of the land's current fair market value, based upon its adjusted highest and best use, and other acquisition costs, as determined by rule by the department.

(b) For land that has been owned by the current owner for less than one year, the acquisition costs of the land shall equal the owner's acquisition price.

(c) For land that has been owned by the current owner for one year or more but for less than 3 years, the acquisition costs of the land shall equal the sum of the current owner's acquisition price and the annual adjustment increase.

(d) For purposes of par. (c), the annual adjustment increase shall be calculated by multiplying the owner's acquisition price by 5% and by then multiplying that product by one of the following numbers:

1. By one if the land has been owned by the current owner for one year or more but for less than 2 years.

2. By 2 if the land has been owned by the current owner for 2 years or more but for less than 3 years.

(e) For any land for which moneys are proposed to be obligated from the appropriation under s. 20.866 (2) (ta) in order to provide a grant or state aid to a governmental unit under s. 23.09 (19), (20), or (20m) or 30.277 or to a nonprofit conservation organization under s. 23.096, the department shall use at least 2 appraisals to determine the fair market value of the land. The governmental unit or nonprofit conservation organization shall submit to the department one appraisal that is paid for by the governmental unit or nonprofit conservation organization. The department shall obtain its own independent appraisal. The department may also require that the governmental unit or nonprofit conservation organization submit a 3rd independent appraisal. The department shall reimburse the governmental unit or nonprofit conservation organization up to 50% of the costs of the 3rd appraisal as part of the acquisition costs of the land if the land is acquired by the governmental unit or nonprofit conservation organization with moneys obligated from the appropriation under s. 20.866 (2) (ta). This paragraph does not apply if the fair market value of the land is estimated by the department to be \$200,000 or less.

[(f)1. is deleted; (f) 2. is renumbered (f)]

For any stewardship acquisition, the department, within 30 days after the moneys for the stewardship acquisition are obligated, shall submit to the clerk and the assessor of each taxation district in which the land is located a copy of every appraisal in the department's possession that was prepared in order to determine the fair market value of the land involved. An assessor who receives a copy of an appraisal under this paragraph shall consider the appraisal in valuing land within the taxation district as provided under s. 70.32 (1).

(g) Any person who is preparing an appraisal for purposes of a stewardship acquisition shall obtain written statement from the zoning officer of the taxation district in which the land that may be acquired is located if the land is not currently zoned to accommodate its highest and best use. The statement shall declare whether the zoning officer would be likely to approve rezoning the land to accommodate the highest and best use under any circumstances and, if not, what other rezoning request the officer would be

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[REDACTED]

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(8) PROHIBITIONS AND LIMITATIONS.

(a) The department may not obligate moneys from the appropriation under s. 20.866 (2) (ta) for the acquisition of land for golf courses or for the development of golf courses.

(b) The department may not obligate moneys from the appropriation under s. 20.866 (2) (ta) for the acquisition or development of land by a county or other local governmental unit or political subdivision if the county, local governmental unit, or political subdivision acquires the land involved by condemnation.

(c) The department may not obligate moneys from the appropriation under s. 20.866 (2) (ta) for the acquisition by a city, village or town of land that is outside the boundaries of the city, village or town unless the city, village or town acquiring the land and the city, village or town in which the land is located approve the acquisition.

(d) The department may not acquire land using moneys from the appropriation under s. 20.866 (2) (ta) if at least 50% of the land in the county is owned or under the jurisdiction of the state, the federal government, or a local governmental unit, as defined in s. 66.0131 (1) (a).

[REDACTED]

modify?

(b) The department may not obligate moneys to provide funding for stewardship acquisition subject to review by the joint committee on finance under sub. (6) of the acquisition costs of the land to be acquired equal to or less than the amount equal to times the assessed value of the land.

(c) The department may not obligate moneys from the appropriation under s. 20.806 (2) (a) to acquire a conservation or other easement or development right. The term of the easement or right is for more than 20 years.

(d) The department may not obligate moneys to provide a grant or \$3,000 to a governmental unit or to a nonprofit conservation organization unless the natural resources board approves the grant not later than 1 year after the date the governmental unit or the nonprofit organization acquires title to the property.

(e) The department may not obligate moneys to provide a grant or stipend to a governmental unit or to a nonprofit organization exceeding 50% of the acquisition costs of the property. The acquisition costs shall only include actual consideration provided by the governmental unit or nonprofit conservation organization to the landowner and shall not include the value of any land donated by the landowner to the governmental unit or a nonprofit conservation organization by the landowner.

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IDEA
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20.217(5)
(d)

(12) EXPENDITURES AFTER JUNE 30, 2010. If the remaining bonding authority for a subprogram under sub. (3) or (4) on June 30, 2010, is an amount greater than zero, the department may expend any portion of this remaining bonding authority for that subprogram in one or more subsequent fiscal years.

[23.14 is renumbered 23.14 (1)]

23.14 Prior to the initial acquisition of any lands by the department after July 1, 1977, for any new facility or project, the proposed initial acquisition shall be submitted to the governor for his or her approval. New facilities or projects include, without limitation because of enumeration, state parks, state forests, recreation areas, public shooting, trapping or fishing grounds or waters, fish hatcheries, game farms, forest nurseries, experimental stations, endangered species preservation areas, picnic and camping grounds, hiking trails, cross-country ski trails, bridle trails, nature trails, bicycle trails, snowmobile trails, youth camps, land in the lower Wisconsin state riverway as defined in s. 30.40 (15), natural areas and wild rivers.

(1m) Prior to the acquisition of any land or interest in land by the department, the department shall notify in writing each city, village or town and each county in which the land or interest in land is located at least 30 days before the department completes the acquisition.

70.114 Aids on certain state lands equivalent to property taxes.

(1) DEFINITIONS. In this section:

(ad) "Assessed value" means the lesser of the assessed value of land as indicated by the most recent property tax assessment under s. 70.32 or the assessed value of land as indicated by a property tax assessment under s. 70.32 that is prepared within 90 days after the date on which the department purchases the land and that is based on the department's intended use of the land.

[(a) is renumbered (am)]

"Department" means the department of natural resources.

(b) "Estimated value" means, for land purchases by the department before July 1, 2004, the purchase price in the year during which the land is purchased and, for land purchases by the department occurring on or after July 1, 2004, the assessed value in the year during which the land is purchased. For later years, "estimated value" means the value that was used for calculating the aid payment under this section for the prior year increased or decreased to reflect the annual percentage change in the equalized valuation of all property, excluding improvements, in the taxation district as determined by comparing the most recent determination of equalized valuation under s. 70.57 for that property to the next preceding determination of equalized valuation under s. 70.57 for that property.

(c) "Land" means state forests, as defined in s. 28.02 (1), that are acquired after December 31, 1991, state parks that are acquired after December 31, 1991, under s. 27.01 and other areas that are acquired after December 31, 1991, under s. 23.09 (2) (d), 23.091, 23.27, 23.29, 23.293, 23.31 or 29.749 (1).

(d) "Purchase price" means the amount paid by the department or a fee simple interest in real property. "Purchase price" does not include administrative costs incurred by the department to acquire the land, such as legal fees, appraisal costs or recording fees. If real estate is transferred to the department by gift or is sold to the department for an amount that is less than the estimated fair market value of the property as shown on the property tax bill prepared for the prior year under s. 74.09, "purchase price" means an amount equal to the estimated fair market value of the property as shown on that tax bill. If the real estate is exempt from taxation at the time that it is transferred or sold to the department and if the property was not sold at an arm's-length sale, "purchase price" means the fair market value of the real estate at the time that the department takes title to it.

(e) "Taxation district" means a city, village or town, except that if a city or village lies in more than one county, the portions of that city or village that lie within each county are separate taxation districts.

(f) "Taxing jurisdiction" means any entity authorized by law to levy taxes on general property, as defined in s. 70.02, that are measured by the property's value.

(2) APPLICATION. For all land acquired after December 31, 1991, the department shall pay aids in lieu of taxes under this section and not under s. 70.113.

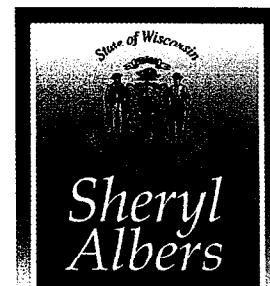
(3) ASCERTAINING RATE. Each year, the department shall ascertain from the clerks of the taxation district the aggregate net general property tax rate for taxation districts to which aids are paid under this section.

(4) PAYMENT REQUIRED.

(a) On or before January 31, the department shall pay to each treasurer of a taxation district, with respect to each parcel of land acquired by the department within the taxation district on or before January 1 of the preceding year, an amount determined by multiplying each parcel's estimated value equated to the average level of assessment in the taxation district by the aggregate net general property tax rate that would apply to the parcel of land if it were taxable, as shown on property tax bills prepared for that year under s. 74.09.

(b) On or before February 15, the taxation district treasurer shall pay to the treasurer of each taxing jurisdiction, from the amount received under par. (a), the taxing jurisdiction's proportionate share of the tax that would be levied on the parcel if it were taxable.

- END -



To: LRB – Drafting
From: Representative Sheryl K. Albers

Date: February 12, 2003
Subject: Stewardship

Please reference my two previous requests for drafting of a bill containing comprehensive changes to the Stewardship program (original requested dated 10 January 2003 and a modification request dated 4 February 2003). As I continued to go through legislation relating to Stewardship and land use issues over the past couple of weeks, I found another proposal I would like to include. To avoid having to create a /2, I am sending this memo over to have this additional language included with the /1 of the bill.

The proposal relates to protecting landowners of property adjacent to a Stewardship purchase from becoming landlocked as a result of the purchase. Originally, I introduced this proposal as 1997 AB 667, although the language of that particular bill modified the original Stewardship provisions found in §23.0915. My staff attorney, Scott, extrapolated the relevant language from that bill and prepared recommended language for the creation of §23.0917 (8) (j) [see below]. That language is consistent with the other recommended changes found in the composite he prepared and I forwarded with my previous two requests.

Please include this provision in the omnibus package of Stewardship changes. If you would like an updated copy of the composite of statutory changes (I do not include it here), please let me know. Thank you!

“(j) The department may not obligate moneys to provide a grant or state aid to a governmental unit or to a nonprofit organization to acquire land if the acquisition will result in an owner of land that is adjacent to the acquired land being denied access to the owner’s land or in the owner having to pay for an easement or conveyance to gain access to the owner’s land.”



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1465/P1

MGG/JK/.....

WLj

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in 3-18
blue
3-25
D-N

GEN

- 1 AN ACT ...; relating to: requirements, prohibitions, and procedures relating to
2 land acquisition under the Warren Knowles-Gaylord Nelson Stewardship 2000
3 ~~Program~~; acquisitions of land and interests of land by the Department of
4 Natural Resources; and aid in lieu of property taxes related to acquired land.

Analysis by the Legislative Reference Bureau

Current general law

Current law authorizes the state to incur public debt for certain conservation activities under the stewardship program, which is administered by the Department of Natural Resources (DNR). The state may incur this debt to acquire land for the state for conservation purposes and may award grants or state aid to certain local governmental units, including the Kickapoo reserve management board, and nonprofit conservation organizations to acquire lands for these purposes (stewardship acquisitions). *

Calculating acquisition costs for stewardship acquisitions

Under current law, a grant or state aid to a local governmental unit or nonprofit conservation organization for a stewardship acquisition may not exceed 50% of the acquisition costs of the land. For most acquisitions, the acquisition cost is the fair market value of the land, plus other acquisition costs as determined by rule by DNR. This bill requires that fair market value be based on the adjusted highest and best use of the land and requires taxation districts upon request of persons preparing appraisals to prepare statements specifying the highest and best use. Under the *

bill, the adjusted highest and best use is the probable and legal use of the land that results in the highest fair market value regardless of how it is currently zoned. The bill also prohibits considering as part of the acquisition costs the value of any other land donated to the recipient of the grant or state aid by the seller of the land being acquired.

As for land acquired directly by the state, the bill requires that the fair market value of such land be determined in the same manner as it is for acquisitions by local governmental units and nonprofit conservation organizations.

Review by Joint Committee on Finance of stewardship acquisitions

Under current law, the joint committee on finance (JCF) may schedule a meeting to review any proposed stewardship acquisition that costs more than \$250,000. This bill imposes additional requirements on stewardship acquisitions subject to this review. These requirements consist of the following:

1. DNR must provide information to JCF concerning the land's assessed value, copies of all the appraisals in its possession, and a copy of the statement prepared by the tax district concerning the land's highest and best use.

2. If the acquisition costs of the land may equal or exceed an amount equal to four times the land's assessed value, JCF must schedule a meeting to review the proposed acquisition. DNR must provide the information it provides to JCF to the Department of Revenue (DOR) and the taxation districts in which the land is located. If the acquisition is approved by JCF, each taxation district must perform a reassessment of all of the land that is located in that taxation district that will be affected by the stewardship acquisition. If the acquisition costs will equal or exceed an amount equal to five times the land's assessed value, DNR may not use stewardship funding for this acquisition.

Calculation of property tax for stewardship acquisitions

Under current law, DNR must provide the assessor of each local taxation district in which the proposed stewardship acquisition is located a copy of each appraisal in DNR's possession that was prepared in order to determine the fair market value of the land within 30 days after the debt is incurred. An assessor receiving these appraisals must use them to value the land for property tax purposes.

Under current law, a taxation district may not impose a property tax on land purchased by DNR. Instead, the taxation district receives a payment from the state based on the land's estimated value. For the year in which the land is purchased, "estimated value" means the land's purchase price. Under this bill, for the year in which the land is purchased and for land purchased after June 30, 2004, "estimated value" means the land's assessed value as determined by the most recent property tax assessment or by an assessment that is prepared within 30 days from the date of the land's purchase and that is based on DNR's intended use of the land.

Other provisions

The bill prohibits the expenditure of stewardship funding under the following circumstances:

1. The expenditure would be for the acquisition of an easement or development right in land if the term of the easement or development right is for more than 30 years.

2. The expenditure is for a grant or state aid to a local governmental unit or nonprofit conservation organization and unless the expenditure has been approved by the natural resources board not later than 365 days after the date ^{on which} the governmental unit or nonprofit conservation organization acquires title to the land.

3. The expenditure is for an acquisition that will result in an adjacent landowner not having access to the landowner's land or that will result in the landowner's having to pay for an easement access to the landowner's land.

4. The expenditure would be for an acquisition by DNR in a county where at least 50% of the land is owned or under the jurisdiction of the state, the federal government, ^{or} a local government unit (public land). Current law prohibits such expenditures when at least 66% of the land is public land. Current law provides an exemption when ^{the} county board of supervisors approves the acquisition. This bill eliminates that exemption.

The bill also defines "land" for purposes of the stewardship program to specifically include buildings and other structures and facilities located on the land.

Finally, under the bill, before the acquisition of any land or interest in land by DNR, DNR shall notify in writing each county and each city, village, or town in which the land or interest in land is located at least 30 days before such acquisition.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 23.0917 (1) (d) [↓] of the statutes is amended to read:

2 23.0917 (1) (d) "Land" means land in fee simple, conservation easements, other
3 easements in land and development rights in land, and includes any buildings,
4 facilities, and other structures located on the land.

5 SECTION 2. 23.0917 (1) (h) [↓] of the statutes is created to read:

6 23.0917 (1) (h) "Stewardship acquisition" means the acquisition of land using
7 moneys obligated from the appropriation under s. 20.866 (2) (ta) [↓] for an acquisition
8 of land by the department or for a grant or state aid for acquisition of land by a
9 governmental unit under s. 23.09 (19), (20), [↓] or (20m) [↓] or 30.277 [↓] or by a nonprofit
10 conservation organization under s. 23.096 [↓].

11 SECTION 3. 23.0917 (6) (a) [↓] of the statutes is amended to read:

1 23.0917 (6) (a) ^g1. The department may not obligate from the appropriation
2 under s. 20.866 (2) (ta) [✓] for a given project or activity any moneys unless it first
3 notifies the joint committee on finance in writing of the proposal.

4 2. If the cochairpersons of the committee do not notify the department within
5 14 working days after the date of the department's notification under subd. 1. [✓] that
6 the committee has scheduled a meeting to review the proposal, the department may
7 obligate the moneys, ^{par.} ~~unless subd. (f) applies.~~ [✓]

8 3. If, within 14 working days after the date of the notification by the department
9 under subd. 1. [✓], the cochairpersons of the committee notify the department that the
10 committee has scheduled a meeting to review the proposal, the department may
11 obligate the moneys only upon approval of the committee.

12 History: 1999 a. 9, 185; 2001 a. 16, 30, 109.

SECTION 4. 23.0917 (6) (d) [✓] of the statutes is created to read:

13 23.0917 (6) (d) For any stewardship acquisition that is subject to review by the
14 joint committee on finance under this subsection, the department shall submit to the
15 committee written information about the proposed stewardship acquisition. The
16 written information shall include all of the following:

17 1. The assessed value, as defined in s. 70.114 (1) (ad), [✓] of the land that is the
18 subject of the proposed acquisition.

19 2. A copy of each appraisal that the department is required to submit under sub.
20 (7) (f). [✓]

21 3. A copy of any statement prepared by a zoning office under sub. (7) (g) [✓] that
22 relates to the stewardship acquisition.

23 **SECTION 5.** 23.0917 (6) (e) [✓] of the statutes is created to read:

1 23.0917 (6) (e) 1. The department may not obligate moneys to provide funding
2 for a stewardship acquisition if the stewardship acquisition is subject to review by
3 the joint committee on finance under this subsection and if the acquisition costs, as
4 calculated under sub. (7), of the land to be acquired may equal or exceed an amount
5 equal to 4 times the assessed value of the land unless the stewardship acquisition
6 is approved by the joint committee under par. (a) 3.

7 2. For any stewardship acquisition to which subd. 1. applies, the department
8 of natural resources shall submit to the department of revenue and to the clerk and
9 assessor of each taxation district in which the land is located a statement informing
10 them of the proposed stewardship acquisition and a copy of the written information
11 required under par. (d). If the joint committee on finance approves the stewardship
12 acquisition, the assessor of each taxation district in which the land is located shall,
13 within 10 days after the date of the approval, perform a reassessment of all of the
14 land located in that taxation district that has the same zoning classification as the
15 land that constitutes the stewardship acquisition.

16 SECTION 6. 23.0917 (6) (f) of the statutes is created to read:

17 23.0917 (6) (f) The department may not obligate moneys to provide funding for
18 a stewardship acquisition if the stewardship acquisition is subject to review by the
19 joint committee on finance under this subsection, and if the acquisition costs, as
20 calculated under sub. (7), of the land to be acquired equal or exceed an amount equal
21 to 5 times the assessed value.

22 SECTION 7. 23.0917 (7) (a) of the statutes is renumbered 23.0917 (7) (am) and
23 amended to read:

24 23.0917 (7) (am) Except as provided in pars. (b) and (c), for purposes of
25 calculating the acquisition costs for acquisition of land under ss. 23.09 (19), (20) and

(20m), 23.092 (4), 23.094 (3g), 23.096, 30.24 (4) and 30.277 from the appropriation under s. 20.866 (2) (ta) a stewardship acquisition, the acquisition costs shall equal the sum of the land's current fair market value based on its adjusted highest and best use and other acquisition costs, as determined by rule by the department.

SECTION 8. 23.0917 (7) (ab) (intro.), 1., 2., 3. and 4. of the statutes are created to read:

23.0917 (7) (ab) (intro.) In this subsection:

1. "Adjusted highest and best use" means the highest and best use specified by a zoning office under par. (g).

2. "Highest and best use" means the probable and legal use of land that results in the highest fair market value.

4. "Zoning office" means a town board that adopts or enacts zoning ordinances under s. 60.61, 60.62, or 61.35 or a village board or common council that enacts or adopts zoning ordinances under s. 62.23 (7).

SECTION 9. 23.0917 (7) (ag) of the statutes is created to read:

23.0917 (7) (ag) For the purposes of calculating under pars. (am) to (c) the acquisition costs for acquisition of land under ss. 23.09 (19), (20), and (20m), 23.092 (4), 23.094 (3g), 23.096, 30.24 (4) and 30.277, any donation of land to the governmental unit or nonprofit conservation organization by the owner of the land being acquired may not be considered as part of the acquisition costs.

SECTION 10. 23.0917 (7) (f) 1. of the statutes is renumbered 23.0917 (7) (ab) 3. and amended to read:

23.0917 (7) (ab) 3. In this paragraph, "~~taxation~~ Taxation district" has the meaning given in s. 70.114 (1) (e).

(1)

SECTION 11. 23.0917 (7) (f) ² of the statutes is renumbered 23.0917 (7) (f) and amended to read:

(3)

23.0917 (7) (f) ¹ For any stewardship acquisition of any land that is funded with moneys obligated from the appropriation under s. 20.866 (2) (ta), the department, within 30 days after the moneys for the stewardship acquisition are obligated, shall submit to the clerk and the assessor of each taxation district in which the land is located a copy of every appraisal in the department's possession that was prepared in order to determine the fair market value of the land involved. An assessor who receives a copy of an appraisal under this subdivision paragraph shall consider the appraisal in valuing the land as provided under s. 70.32 (1).

11

SECTION 12. 23.0917 (7) (g) ¹ of the statutes is created to read:

12

23.0917 (7) (g) For purposes of calculating the acquisition costs for ² a ³ proposed stewardship acquisition, upon the request of any person preparing an appraisal for the stewardship acquisitions, the zoning office of the taxation district in which the land that may be acquired is located shall prepare a written statement as to whether the land is currently zoned to accommodate its highest and best use. If the zoning office determines that the land is not currently zoned to accommodate its highest and best use, the zoning office shall specify in its statement what is the highest and best use of the land under any circumstances and whether the zoning office would be likely to approve rezoning the land to accommodate that highest and best use. The person preparing the appraisal shall utilize the written statement in determining the current fair market value of the land for purposes of par. (am) ¹ ₆

(22)

23

SECTION 13. 23.0917 (8) (am) ¹ of the statutes is created to read:

24

23.0917 (8) (am) The department may not obligate moneys from the appropriation under s. 20.866 (2) (ta) ¹ for the acquisition of a conservation easement

25

1 or other easement in land or a development right in land if the term of the easement
2 or development right is for more than 30 years.

3 **SECTION 14.** 23.0917 (8) (d) of the statutes is amended to read:

4 23.0917 (8) (d) The department may not acquire land using moneys from the
5 appropriation under s. 20.866 (2) (ta) ~~without the prior approval of a majority of the~~
6 ~~members elect, as defined in s. 59.001 (2m), of the county board of supervisors of the~~
7 ~~county in which the land is located~~ if at least ~~66%~~ 50% of the land in the county is
8 owned or under the jurisdiction of the state, the federal government, or a local
9 governmental unit, as defined in s. 66.0131 (1) (a). ~~Before determining whether to~~
10 ~~approve the acquisition, the county in which the land is located shall post notices that~~
11 ~~inform the residents of the community surrounding the land of the possible~~
12 ~~acquisitions.~~

History: 1999 a. 9, 185; 2001 a. 16, 30, 109.

13 **SECTION 15.** 23.0917 (8) (e) of the statutes is created to read:

14 23.0917 (8) (e) The department may not obligate moneys from the
15 appropriation under s. 20.866 (2) (ta) for a grant or state aid to a governmental unit
16 under s. 23.09 (19), (20), or (20m) or 30.277 or to a nonprofit conservation
17 organization under s. 23.096 unless the natural resources board approves the grant
18 or state aid not later than 365 days after the date ~~that~~ ^{on which} the governmental unit or the
19 nonprofit conservation organization acquires title to the land.

20 **SECTION 16.** 23.0918 (8) (f) of the statutes is created to read:

21 23.0918 (8) (f) The department may not obligate moneys from the appropriation
22 under s. 20.866 (2) (ta) for a grant or state aid to a governmental unit under s. 23.09
23 (19), (20), or (20m) or 30.277 or to a nonprofit conservation organization under s.
24 23.096 to acquire land if the acquisition will result in an owner of land that is

1 adjacent to the acquired land being denied access to the owner's land or in the owner
2 having to pay for an easement or conveyance to gain access to the owner's land.

3 SECTION 17. 23.14[✓] of the statutes is renumbered 23.14 (1).[✓]

4 SECTION 18. 23.14 (2)[✓] of the statutes is created to read:

5 23.14 (2) Before the acquisition of any land, or interest in land, by the
6 department, the department shall notify in writing each county and each city,
7 village, or town in which the land or interest in land is located at least 30 days before
8 the department completes the acquisition.

9 SECTION 19. 70.114 (1) (a)[✓] of the statutes is renumbered 70.114 (1) (am).[✓]

10 SECTION 20. 70.114 (1) (ad)[✓] of the statutes is created to read:

11 70.114 (1) (ad) "Assessed value" means the lesser of the assessed value of land
12 as indicated by the most recent property tax assessment under s. 70.32[✓] or the
13 assessed value of land as indicated by a property tax assessment under s. 70.32[✓] that
14 is prepared within 30 days after the date on which the department purchases the
15 land and that is based on the department's intended use of the land.

16 SECTION 21. 70.114 (1) (b)[✓] of the statutes is amended to read:

17 70.114 (1) (b) "Estimated value²_{strike}"^{← safe} for the year during which land is purchased
18 and for land purchased before July 1, 2004, means the purchase price and, for the
19 year during which land is purchased and for land purchased after June 30, 2004, the
20 assessed value. "Estimated value," for later years, means the value that was used
21 for calculating the aid payment under this section for the prior year increased or
22 decreased to reflect the annual percentage change in the equalized valuation of all
23 property, excluding improvements, in the taxation district, as determined by
24 comparing the most recent determination of equalized valuation under s. 70.57 for

1 that property to the next preceding determination of equalized valuation under s.
2 70.57 for that property.

History: 1989 a. 336; 1991 a. 39; 1997 a. 248.

3 **SECTION 22.** 70.114 (1) (d) of the statutes is repealed.

4 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1465/dn
MGG/JK:.....

Wlj

1. The fair market value for direct acquisitions by DNR, as well as those by local governmental units and nonprofit conservation organizations, will be subject to determining the fair market value based on adjusted highest and best use. OK?
2. The bill does not have an initial applicability provision. Therefore, all "pending" stewardship acquisitions will be subject to the statutory changes in this draft. OK?
3. Do you want a delayed effective date to give DNR, DOR, and JCF time to administratively implement these changes?

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1465/P1dn
MGG:wlj:rs

March 20, 2003

1. The fair market value for direct acquisitions by DNR, as well as those by local governmental units and nonprofit conservation organizations, will be subject to determining the fair market value based on adjusted highest and best use. OK?
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Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1465/PJ
MGG/JK:wlj:rs

1 RMR

no
changes

Fu

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

REGEN

1 AN ACT *to repeal* 70.114 (1) (d); *to renumber* 23.14 and 70.114 (1) (a); *to*
2 *renumber and amend* 23.0917 (7) (a), 23.0917 (7) (f) 1. and 23.0917 (7) (f) 2.;
3 *to amend* 23.0917 (1) (d), 23.0917 (6) (a), 23.0917 (8) (d) and 70.114 (1) (b); and
4 *to create* 23.0917 (1) (h), 23.0917 (6) (d), 23.0917 (6) (e), 23.0917 (6) (f), 23.0917
5 (7) (ab) (intro.), 1., 2. and 4., 23.0917 (7) (ag), 23.0917 (7) (g), 23.0917 (8) (am),
6 23.0917 (8) (e), 23.0918 (8) (f), 23.14 (2) and 70.114 (1) (ad) of the statutes;
7 **relating to:** requirements, prohibitions, and procedures relating to land
8 acquisition under the Warren Knowles-Gaylord Nelson Stewardship 2000
9 program; acquisitions of land and interests of land by the Department of
10 Natural Resources; and aid in lieu of property taxes related to acquired land.

Analysis by the Legislative Reference Bureau

Current general law

Current law authorizes the state to incur public debt for certain conservation activities under the stewardship program, which is administered by the Department of Natural Resources (DNR). The state may incur this debt to acquire land for the state for conservation purposes and may award grants or state aid to certain local

governmental units, including the Kickapoo Reserve Management Board, and nonprofit conservation organizations to acquire lands for these purposes (stewardship acquisitions).

Calculating acquisition costs for stewardship acquisitions

Under current law, a grant or state aid to a local governmental unit or nonprofit conservation organization for a stewardship acquisition may not exceed 50% of the acquisition costs of the land. For most acquisitions, the acquisition cost is the fair market value of the land, plus other acquisition costs as determined by rule by DNR. This bill requires that fair market value be based on the adjusted highest and best use of the land and requires taxation districts upon request of persons preparing appraisals to prepare statements specifying the highest and best use. Under the bill, the adjusted highest and best use is the probable and legal use of the land that results in the highest fair market value regardless of how it is currently zoned. The bill also prohibits considering as part of the acquisition costs the value of any other land donated to the recipient of the grant or state aid by the seller of the land being acquired.

As for land acquired directly by the state, the bill requires that the fair market value of such land be determined in the same manner as it is for acquisitions by local governmental units and nonprofit conservation organizations.

Review by Joint Committee on Finance of stewardship acquisitions

Under current law, the Joint Committee on Finance (JCF) may schedule a meeting to review any proposed stewardship acquisition that costs more than \$250,000. This bill imposes additional requirements on stewardship acquisitions subject to this review. These requirements consist of the following:

1. DNR must provide information to JCF concerning the land's assessed value, copies of all the appraisals in its possession, and a copy of the statement prepared by the tax district concerning the land's highest and best use.

2. If the acquisition costs of the land may equal or exceed an amount equal to four times the land's assessed value, JCF must schedule a meeting to review the proposed acquisition. DNR must provide the information it provides to JCF to the Department of Revenue (DOR) and the taxation districts in which the land is located. If the acquisition is approved by JCF, each taxation district must perform a reassessment of all of the land that is located in that taxation district that will be affected by the stewardship acquisition. If the acquisition costs will equal or exceed an amount equal to five times the land's assessed value, DNR may not use stewardship funding for this acquisition.

Calculation of property tax for stewardship acquisitions

Under current law, DNR must provide the assessor of each local taxation district in which the proposed stewardship acquisition is located a copy of each appraisal in DNR's possession that was prepared to determine the fair market value of the land within 30 days after the debt is incurred. An assessor receiving these appraisals must use them to value the land for property tax purposes.

Under current law, a taxation district may not impose a property tax on land purchased by DNR. Instead, the taxation district receives a payment from the state based on the land's estimated value. For the year in which the land is purchased,

“estimated value” means the land’s purchase price. Under this bill, for the year in which the land is purchased and for land purchased after June 30, 2004, “estimated value” means the land’s assessed value as determined by the most recent property tax assessment or by an assessment that is prepared within 30 days from the date of the land’s purchase and that is based on DNR’s intended use of the land.

Other provisions

The bill prohibits the expenditure of stewardship funding under the following circumstances:

1. The expenditure would be for the acquisition of an easement or development right in land if the term of the easement or development right is for more than 30 years.

2. The expenditure is for a grant or state aid to a local governmental unit or nonprofit conservation organization and unless the expenditure has been approved by the Natural Resources Board not later than 365 days after the date on which the governmental unit or nonprofit conservation organization acquires title to the land.

3. The expenditure is for an acquisition that will result in an adjacent landowner not having access to the landowner’s land or that will result in the landowner’s having to pay for an easement access to the landowner’s land.

4. The expenditure would be for an acquisition by DNR in a county where at least 50% of the land is owned or under the jurisdiction of the state, the federal government, or a local governmental unit (public land). Current law prohibits such expenditures when at least 66% of the land is public land. Current law provides an exemption when the county board of supervisors approves the acquisition. This bill eliminates that exemption.

The bill also defines “land” for purposes of the stewardship program to specifically include buildings and other structures and facilities located on the land.

Finally, under the bill, before the acquisition of any land or interest in land by DNR, DNR shall notify in writing each county and each city, village, or town in which the land or interest in land is located at least 30 days before such acquisition.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 23.0917 (1) (d) of the statutes is amended to read:

2 23.0917 (1) (d) “Land” means land in fee simple, conservation easements, other
3 easements in land and development rights in land, and includes any buildings,
4 facilities, and other structures located on the land.

5 **SECTION 2.** 23.0917 (1) (h) of the statutes is created to read:

1 23.0917 (1) (h) “Stewardship acquisition” means the acquisition of land using
2 moneys obligated from the appropriation under s. 20.866 (2) (ta) for an acquisition
3 of land by the department or for a grant or state aid for acquisition of land by a
4 governmental unit under s. 23.09 (19), (20), or (20m) or 30.277 or by a nonprofit
5 conservation organization under s. 23.096.

6 **SECTION 3.** 23.0917 (6) (a) of the statutes is amended to read:

7 23.0917 (6) (a) 1. The department may not obligate from the appropriation
8 under s. 20.866 (2) (ta) for a given project or activity any moneys unless it first
9 notifies the joint committee on finance in writing of the proposal.

10 2. If the cochairpersons of the committee do not notify the department within
11 14 working days after the date of the department’s notification under subd. 1. that
12 the committee has scheduled a meeting to review the proposal, the department may
13 obligate the moneys, unless par. (f) applies.

14 3. If, within 14 working days after the date of the notification by the department
15 under subd. 1., the cochairpersons of the committee notify the department that the
16 committee has scheduled a meeting to review the proposal, the department may
17 obligate the moneys only upon approval of the committee.

18 **SECTION 4.** 23.0917 (6) (d) of the statutes is created to read:

19 23.0917 (6) (d) For any stewardship acquisition that is subject to review by the
20 joint committee on finance under this subsection, the department shall submit to the
21 committee written information about the proposed stewardship acquisition. The
22 written information shall include all of the following:

23 1. The assessed value, as defined in s. 70.114 (1) (ad), of the land that is the
24 subject of the proposed acquisition.

1 2. A copy of each appraisal that the department is required to submit under sub.
2 (7) (f).

3 3. A copy of any statement prepared by a zoning office under sub. (7) (g) that
4 relates to the stewardship acquisition.

5 **SECTION 5.** 23.0917 (6) (e) of the statutes is created to read:

6 23.0917 (6) (e) 1. The department may not obligate moneys to provide funding
7 for a stewardship acquisition if the stewardship acquisition is subject to review by
8 the joint committee on finance under this subsection and if the acquisition costs, as
9 calculated under sub. (7), of the land to be acquired may equal or exceed an amount
10 equal to 4 times the assessed value of the land unless the stewardship acquisition
11 is approved by the committee under par. (a) 3.

12 2. For any stewardship acquisition to which subd. 1. applies, the department
13 of natural resources shall submit to the department of revenue and to the clerk and
14 assessor of each taxation district in which the land is located a statement informing
15 them of the proposed stewardship acquisition and a copy of the written information
16 required under par. (d). If the joint committee on finance approves the stewardship
17 acquisition, the assessor of each taxation district in which the land is located shall,
18 within 10 days after the date of the approval, perform a reassessment of all of the
19 land located in that taxation district that has the same zoning classification as the
20 land that constitutes the stewardship acquisition.

21 **SECTION 6.** 23.0917 (6) (f) of the statutes is created to read:

22 23.0917 (6) (f) The department may not obligate moneys to provide funding for
23 a stewardship acquisition if the stewardship acquisition is subject to review by the
24 joint committee on finance under this subsection, and if the acquisition costs, as

SECTION 6

1 calculated under sub. (7), of the land to be acquired equal or exceed an amount equal
2 to 5 times the assessed value.

3 **SECTION 7.** 23.0917 (7) (a) of the statutes is renumbered 23.0917 (7) (am) and
4 amended to read:

5 23.0917 (7) (am) Except as provided in pars. (b) and (c), for purposes of
6 calculating the acquisition costs for ~~acquisition of land under ss. 23.09 (19), (20) and~~
7 ~~(20m), 23.092 (4), 23.094 (3g), 23.096, 30.24 (4) and 30.277 from the appropriation~~
8 ~~under s. 20.866 (2) (ta)~~ a stewardship acquisition, the acquisition costs shall equal
9 the sum of the land's current fair market value based on its adjusted highest and best
10 use and other acquisition costs, as determined by rule by the department.

11 **SECTION 8.** 23.0917 (7) (ab) (intro.), 1., 2. and 4. of the statutes are created to
12 read:

13 23.0917 (7) (ab) (intro.) In this subsection:

14 1. "Adjusted highest and best use" means the highest and best use specified by
15 a zoning office under par. (g).

16 2. "Highest and best use" means the probable and legal use of land that results
17 in the highest fair market value.

18 4. "Zoning office" means a town board that adopts or enacts zoning ordinances
19 under s. 60.61, 60.62, or 61.35 or a village board or common council that enacts or
20 adopts zoning ordinances under s. 62.23 (7).

21 **SECTION 9.** 23.0917 (7) (ag) of the statutes is created to read:

22 23.0917 (7) (ag) For the purposes of calculating under pars. (am) to (c) the
23 acquisition costs for acquisition of land under ss. 23.09 (19), (20), and (20m), 23.092
24 (4), 23.094 (3g), 23.096, 30.24 (4), and 30.277, any donation of land to the

1 governmental unit or nonprofit conservation organization by the owner of the land
2 being acquired may not be considered as part of the acquisition costs.

3 **SECTION 10.** 23.0917 (7) (f) 1. of the statutes is renumbered 23.0917 (7) (ab) 3.
4 and amended to read:

5 23.0917 (7) (ab) 3. ~~In this paragraph, "taxation~~ "Taxation district" has the
6 meaning given in s. 70.114 (1) (e).

7 **SECTION 11.** 23.0917 (7) (f) 2. of the statutes is renumbered 23.0917 (7) (f) and
8 amended to read:

9 23.0917 (7) (f) For any stewardship acquisition of any land ~~that is funded with~~
10 ~~moneys obligated from the appropriation under s. 20.866 (2) (ta),~~ the department,
11 within 30 days after the moneys for the stewardship acquisition are obligated, shall
12 submit to the clerk and the assessor of each taxation district in which the land is
13 located a copy of every appraisal in the department's possession that was prepared
14 in order to determine the fair market value of the land involved. An assessor who
15 receives a copy of an appraisal under this ~~subdivision~~ paragraph shall consider the
16 appraisal in valuing the land as provided under s. 70.32 (1).

17 **SECTION 12.** 23.0917 (7) (g) of the statutes is created to read:

18 23.0917 (7) (g) For purposes of calculating the acquisition costs for a proposed
19 stewardship acquisition, upon the request of any person preparing an appraisal for
20 the stewardship acquisitions, the zoning office of the taxation district in which the
21 land that may be acquired is located shall prepare a written statement as to whether
22 the land is currently zoned to accommodate its highest and best use. If the zoning
23 office determines that the land is not currently zoned to accommodate its highest and
24 best use, the zoning office shall specify in its statement what is the highest and best
25 use of the land under any circumstances and whether the zoning office would be

likely to approve rezoning the land to accommodate that highest and best use. The person preparing the appraisal shall utilize the written statement in determining the current fair market value of the land for purposes of par. (am).

SECTION 13. 23.0917 (8) (am) of the statutes is created to read:

23.0917 (8) (am) The department may not obligate moneys from the appropriation under s. 20.866 (2) (ta) for the acquisition of a conservation easement or other easement in land or a development right in land if the term of the easement or development right is for more than 30 years.

SECTION 14. 23.0917 (8) (d) of the statutes is amended to read:

23.0917 (8) (d) The department may not acquire land using moneys from the appropriation under s. 20.866 (2) (ta) ~~without the prior approval of a majority of the members elect, as defined in s. 59.001 (2m), of the county board of supervisors of the county in which the land is located if at least 66% 50% of the land in the county is owned or under the jurisdiction of the state, the federal government, or a local governmental unit, as defined in s. 66.0131 (1) (a). Before determining whether to approve the acquisition, the county in which the land is located shall post notices that inform the residents of the community surrounding the land of the possible acquisitions.~~

SECTION 15. 23.0917 (8) (e) of the statutes is created to read:

23.0917 (8) (e) The department may not obligate moneys from the appropriation under s. 20.866 (2) (ta) for a grant or state aid to a governmental unit under s. 23.09 (19), (20), or (20m) or 30.277 or to a nonprofit conservation organization under s. 23.096 unless the natural resources board approves the grant or state aid not later than 365 days after the date on which the governmental unit or the nonprofit conservation organization acquires title to the land.

1 **SECTION 16.** 23.0918 (8) (f) of the statutes is created to read:

2 23.0918 (8) (f) The department may not obligate moneys from the
3 appropriation under s. 20.866 (2) (ta) for a grant or state aid to a governmental unit
4 under s. 23.09 (19), (20), or (20m) or 30.277 or to a nonprofit conservation
5 organization under s. 23.096 to acquire land if the acquisition will result in an owner
6 of land that is adjacent to the acquired land being denied access to the owner's land
7 or in the owner having to pay for an easement or conveyance to gain access to the
8 owner's land.

9 **SECTION 17.** 23.14 of the statutes is renumbered 23.14 (1).

10 **SECTION 18.** 23.14 (2) of the statutes is created to read:

11 23.14 (2) Before the acquisition of any land, or interest in land, by the
12 department, the department shall notify in writing each county and each city,
13 village, or town in which the land or interest in land is located at least 30 days before
14 the department completes the acquisition.

15 **SECTION 19.** 70.114 (1) (a) of the statutes is renumbered 70.114 (1) (am).

16 **SECTION 20.** 70.114 (1) (ad) of the statutes is created to read:

17 70.114 (1) (ad) "Assessed value" means the lesser of the assessed value of land
18 as indicated by the most recent property tax assessment under s. 70.32 or the
19 assessed value of land as indicated by a property tax assessment under s. 70.32 that
20 is prepared within 30 days after the date on which the department purchases the
21 land and that is based on the department's intended use of the land.

22 **SECTION 21.** 70.114 (1) (b) of the statutes is amended to read:

23 70.114 (1) (b) "Estimated value", for the year during which land is purchased
24 and for land purchased before July 1, 2004, means the purchase price and, for the
25 year during which land is purchased and for land purchased after June 30, 2004, the

1 assessed value. “Estimated value,” for later years, means the value that was used
2 for calculating the aid payment under this section for the prior year increased or
3 decreased to reflect the annual percentage change in the equalized valuation of all
4 property, excluding improvements, in the taxation district, as determined by
5 comparing the most recent determination of equalized valuation under s. 70.57 for
6 that property to the next preceding determination of equalized valuation under s.
7 70.57 for that property.

8 **SECTION 22.** 70.114 (1) (d) of the statutes is repealed.

9 **(END)**

Memo

To: Senator ☐

Representative ☒

Albers

(The Draft's Requester)

Per your request: ... the attached fiscal estimate was prepared for your unIntroduced 2003 draft.

LRB Number: LRB -1465

Version: "1/1"

Fiscal Estimate Prepared By: (agency abbr.) DNR

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: 4/22/2003 ⁴¹³⁰

* * * * *

To: LRB - Legal Section PA's

Subject: *Fiscal Estimate Received For An Unintroduced Draft*

> **If redrafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.

> **If introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version. Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.

> **If introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the draft's introduction number below and give to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2003 AB-303

Emery, Lynn

From: Emery, Lynn
Sent: Tuesday, April 22, 2003 11:10 AM
To: Rep.Albers
Subject: LRB-1465/1 (FE by DNR - attached - for your review)



FE_Albers.pdf

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